

REMARKS

In view of the above amendments and following remarks, applicant believes the pending application is in condition for allowance. The applicant has incorporated claim 5 into claim 1 as newly added claim 8. Support for newly added claims 9-11 can be found in the original claims 2-4. The applicant has rewritten claim 6 into independent form as newly added claim 12. Support for newly added claim 13 can be found in original claim 7. Support for newly added claims 14-19 can be found in the original claims 2-4. The applicant has also amended the claims in order to overcome the 35 U.S.C. 112, first and second paragraph rejections.

Claims 1-4 and 7 are rejected under 35 U.S.C. 112, first paragraph, because the Examiner states that the specification although enabling for a process for preparing aldehydes, wherein the ligand is a compound of formula (I) or (Ia), it is not enabled for a process, wherein the ligand is unidentified, i.e. no formula or definition of a particular ligand in claims 1-4 and 7. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/068371 (Bohnen et al). The applicant respectfully traverses these rejections.

Rejections under 35 U.S.C. 112

Claims 1-4 and 7 are rejected under 35 U.S.C. 112, first paragraph, because the Examiner states that the specification although enabling for a process for preparing aldehydes, wherein the ligand is a compound of formula (I) or (Ia), it is not enabled for a process, wherein the ligand is unidentified, i.e. no formula or definition of a particular ligand in claims 1-4 and 7. In order to expedite prosecution the applicant has incorporated claim 5 into claim 1. For the above reasons, this rejection should be withdrawn.

Claims 1-2 and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Rejections under 35 U.S.C. 103(a)

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO Bohnen. Bohnen is cited at pages 6-7 and 47 of the application. However, in order to expedite prosecution the applicant has incorporated claim 5 into claim 1 as newly added claim 8. In addition, the applicant has rewritten claim 6 into independent form as newly added claim 12. Since claims 5 and 6 were not rejected over Bohnen, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00235-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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